

60,246-160  
10,408

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICIAL

In re application: Kolk, et al.  
Serial No.: 10,067,103  
Filed: 02/04/2002  
Group Art Unit: 2863  
Examiner: Shah, Kamini S.  
For: TEMPERATURE CONTROL BALANCING DESIRED  
COMFORT WITH ENERGY COST SAVINGS

REQUEST FOR RECONSIDERATION

Mail Stop AF  
Commissioner for Patents.  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action mailed on September 24, 2003.

Applicant respectfully requests the Examiner to reconsider the interpretation of the *Gruber, et al.* reference. There is nothing within the *Gruber, et al.* reference that corresponds to the claimed performance index. That reference cannot possibly anticipate Applicant's claims.

Respectfully submitted,

CARLSON, GASKEY & OLDS



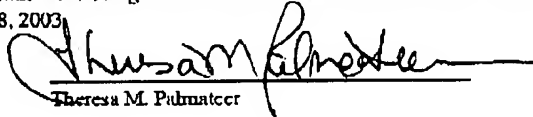
By: \_\_\_\_\_  
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Dated: November 18, 2003

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9319) on November 18, 2003.

  
Theresa M. Palmatier

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